

REMARKS/ARGUMENTS

In response to the Office Action mailed March 1, 2006, Applicant amends his application and requests reconsideration. In this Amendment claim 6 is cancelled. No claims are added so that claims 1-5 remain pending.

In the foregoing Amendment, examined claims 1 and 6 are combined as amended claim 1. The dependent claims are amended to conform to amended claim 1.

The invention as described by the amended claims, and particularly the sole independent claim, claim 1, is directed to a cordless telephone apparatus. Cordless telephones including a base and a removable cordless handset are acknowledged to be well known in the art. The claimed telephone apparatus differs from that known apparatus by including remote controller that is separate from the base and handset. That remote controller, typically employing an infrared link, has a keypad, similar to the keypad of the handset, and a signal transmitter for transmitting keying signals generated through operation of the keypad. Further, the handset of the cordless telephone includes a receiver that receives signals from the remote controller for managing telephone calls. For example, the keypad of the remote controller may initiate an outgoing call or activate reception of an incoming call by activating a speaker phone feature of the handset of the telephone apparatus.

In view of the combination of examined claims 1 and 6 as amended claim 1, only the prior art rejections of claim 6 are potentially pertinent to the pending claims.

Although the Official Action purported to reject claim 6 as anticipated by Tunstall (U.S. Patent 6,240,181), see page 2 of the Office Action, there is no direct comment concerning this alleged rejection as there is with respect to the other claims rejected as anticipated. It is understood that it was intended to reject as anticipated only claims 1, 2, 4, and 5. Therefore, in view of the combination of examined claims 1 and 6, the rejection for anticipation of examined claims 1, 2, 4, and 5 is moot and does not need response.

Claim 3 was rejected as unpatentable over Tunstall in view of Tischler (U.S. Patent 6,856,817). This rejection is inapplicable to amended claim 1 in view of the further rejection of examined claim 6. Applicant agrees, for the purposes of this

Response, that Tischler describes a telephone apparatus with a cordless headset (not handset) and a remote controller that interacts with the headset through a wireless transceiver. Further, the embodiment of the Tischler handset illustrated in Figure 5 of Tischler does include, as in examined claim 3, the same keys typically found on a keypad of a telephone. In effect, what is described by Tischler is the division of a handset of a conventional cordless telephone into a handheld remote controller and a headset, and in which the connection between the headset and the remaining part of the handset is provided via an infrared link. What is described by Tischler seems nearly identical to currently available Bluetooth technology, but using an infrared link rather than a radio frequency link between a headset and a manual control unit that constitute a dismembered handset. In any event, the allowability of claim 3 depends upon the allowability of amended claim 1.

Examined claim 6, now amended claim 1, was rejected as unpatentable over Tunstall in view of “well known prior art”. This rejection is respectfully traversed as to amended claim 1.

The “well known prior art” referred to in the rejection of examined claim 6 is that cordless telephones including a telephone base and a cordless handset are known in the art. Applicant agrees that that prior art is well known. However, the issue in determining the patentability of amended claim 1 is whether, considering all available information, one of skill in the art would be motivated to modify Tunstall by replacing its corded handset 12 with a cordless handset. The evidence in the record clearly demonstrates that it would not have been obvious to have made such a modification of Tunstall, so that amended claim 1 is patentable.

Tunstall describes a telephone apparatus including a corded handset 12, a keypad and built-in speakers, microphones, and infrared sensors. Further, the Tunstall apparatus includes a remote control transmitter 50 that can be used in combination with the telephone apparatus. An infrared sensor in the telephone permits a person to answer and hang up the phone, to adjust speaker volume, and to initiate outgoing telephone calls to numbers that have been previously recorded in the telephone apparatus using the remote control transmitter 50.

"In use, the user simply connects the phone to their phone line and enjoys the benefit of having a phone which can be answered from anywhere in the room by merely pressing the on/off button 52 on the remote 50. ... Use of the phone 10 is a very practical and convenient method of allowing anyone to answer a phone or make a call hands free, without the need to move from their location. The phone 10 is especially beneficial to one who may be disabled, handicapped, or bedridden." Tunstall at column 2, lines 35-51.

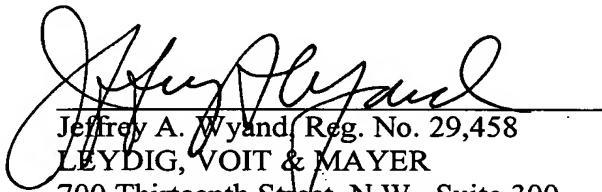
The issue in determining patentability is whether, based upon the teaching of Tunstall, one would replace the corded handset 12 with a cordless handset. No reason for making that substitution can be derived from Tunstall. If, for example, a person who is disabled, handicapped, or bedridden, desired to be able to answer and initiate phone calls from a remote location, all that has to be provided to that person is a telephone that includes a cordless handset. The Examiner acknowledges, in taking Official Notice, that such telephones are widely available. Those telephones had been widely available at the time of the filing of the Tunstall patent application.

Considering the features of cordless telephones, the Tunstall apparatus is not only redundant but inferior when compared to a conventionally available cordless telephone. Tunstall contemplates only the ability to make outgoing calls to pre-programmed telephone numbers. With a cordless telephone, a telephone call can be initiated to any arbitrary telephone number. Most particularly, the remote controller with the infrared link employed by Tunstall becomes, in a cordless telephone, pointless. In other words, no reason is provided by Tunstall for replacing the corded handset 12 with a cordless handset. Moreover, upon making that change, the advantage and the entire purpose of Tunstall is vitiated so that no motivation can be found in Tunstall for making such a modification, the modification needed to suggest the invention as described by claim 1 and its dependent claims 2-5.

Motivation to modify a primary reference to suggest a claimed invention is one of two essential elements for establishing *prima facie* obviousness. Since no evidence of motivation for modifying Tunstall, as hypothesized in the Office Action, to produce the claimed invention has been supplied, and since a rational analysis of the disclosure of Tunstall teaches against such a modification, *prima facie* obviousness cannot have been

established with respect to examined claim 6 and as to any claim now pending. Therefore, reconsideration and allowance of claims 1-5 are earnestly solicited.

Respectfully submitted,


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Date: May 28, 2000
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